IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

CHRISTOPHER AVELLONE,)
Plaintiff,)
v.) Case No. CIV-21-1108-SLF
KELLY RAE BRISTOL,)
Defendant.)

AFFIDAVIT OF ERIC D. WADE

COUNTY OF TULSA)
) ss
STATE OF OKLAHOMA)

- I, Eric D. Wade, after being duly sworn, state as follows:
- 1. This Affidavit is made on personal knowledge of facts to which I am competent to testify.
- 2. I am an attorney licensed to practice law in the State of Oklahoma and admitted to practice before all federal courts in Oklahoma. I am a shareholder in the law firm of Rosenstein, Fist & Ringold, and I have been licensed to practice law since 2001. I have been continuously engaged in the full-time practice of law for more than twenty (20) years.
- 3. Emily Krukowski is an attorney licensed to practice law in the State of Oklahoma and admitted to practice before all federal courts in Oklahoma. She is Of Counsel with the firm of Rosenstein, Fist & Ringold, has been licensed to practice law since 2014, and has been continuously engaged in the full-time practice of law for more than seven (7) years.

4. During all times relevant to this proceeding, my hourly rate was \$325.00 per hour and Emily Krukowski's hourly rate was \$250.00 per hour. These rates are reasonable and in keeping with the rates charged by other attorneys of comparable skill and experience.

5. Attached to this Affidavit are this firm's invoices (redacted, in part) to Plaintiff for work performed in this case during November and December 2021, and a summary of the work performed during January 2022 (which will be invoiced to Plaintiff in February), as well as certain costs incurred, all as a result of Defendant Kelly Bristol's improper removal of this case to federal court. The invoices and summary were prepared based on contemporaneously-kept time records.

6. I have reviewed the contemporaneously-kept time records and the attached invoices, and I have determined that the work performed and hours expended were reasonable and necessary, and state that Plaintiff would not have incurred these fees and costs but for the Defendant's improper removal of the case.

Eric D. Wade

STATE OF OKLAHOMA) ss.

COUNTY OF TULSA

Subscribed and sworn to before me this 20th day of January, 2022.

D-1-1:

My Commission Number: 14000727

21 = 2021

My Commission Expires: 21 Tan 2026



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Rosenstein, Fist & Ringold 525 S. Main, Suite 700 Tulsa, OK 74103-4508

Telephone No. (918) 585-9211 Facsimile No. (918) 583-5617 Internet Web Site - www.rfrlaw.com

> Invoice Number: 152407 Invoice Date: 12/07/2021 Activity Billed Through: 11/30/2021

Billing Attorney Initials: EDW

Christopher Avellone

Regardin	Regarding: v. Kelly Bristol		istol Our File No.:	301821 - 0	002
For profess: 11/03/2021	ional se	rvices r	rendered:	<u>Hours</u>	<u>Fees</u>
11/17/2021					
11/22/2021					
11/23/2021	EDW	238	Review Notice of Removal (.1); e-mails with C. Avellone regarding removal of case to federal court and motion for remand (.6).	0.70	227.50
11/23/2021					
11/23/2021	ECK	255	Exchange communications with E. Wade regarding research needed for issues related to removal and remand (.1); and begin researching issues related to removal and remand (.5).	0.60	150.00
11/24/2021	ECK	255	Continue research regarding issues related to removal and remand; and email to E. Wade regarding research findings.	2.00	500.00
11/29/2021					
			Total professional services:		
For expense	es advar	nced or	incurred:		<u> </u>
11/17/2021					
11/17/2021					
11/19/2021					
11/30/2021	ER	Lexis N	exis Electronic Research		93.44
			Total expenses advanced:		

Total billed this invoice:

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Rosenstein, Fist & Ringold 525 S. Main, Suite 700 Tulsa, OK 74103-4508

Telephone No. (918) 585-9211 Facsimile No. (918) 583-5617 Internet Web Site - www.rfrlaw.com

> Invoice Number: 152903 Invoice Date: 01/20/2022 Activity Billed Through: 12/31/2021

Billing Attorney Initials: EDW

Christopher Avellone

Regarding: v. Kelly Bristol Our File No.: 301821 - 0002 For professional services rendered: **Hours** <u>Fees</u> 12/02/2021 12/10/2021 12/12/2021 12/13/2021 **EDW** 238 Conference with E. Krukowski regarding motion to 0.20 65.00 remand and related procedural issues. 12/13/2021 **ECK** 255 Conference with E. Wade regarding motion to 0.20 50.00 remand. 12/15/2021 **ECK** 255 Research regarding legal issues related to motion to 1.60 400.00 remand and motion to stay. 12/16/2021 **EDW** 238 Conference with E. Krukowski re: motion for 195.00 0.60 remand and motion to stay. 12/16/2021 **ECK** 255 Conference with E. Wade re: arguments for 2.30 575.00 motions to remand and stay deadlines pending remand determination (0.6); draft motion to stay briefing on motion to dismiss and request for judicial notice pending motion to remand (1.7). 12/17/2021 12/17/2021 **ECK** 255 Draft motion to remand. 4.20 1,050.00 238 12/20/2021 **EDW** 3.00 975.00 (.1); revise motion to remand and for award of costs and attorney fees with combined brief in support (2.7); e-mails with C. Avellone regarding questions about and revisions to motion to remand (.2). 12/21/2021 **ECK** 255 0.90 225.00 Research re: grounds for recovery and fees (.6); finalize draft motion in preparation for filing (.3).

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			Invoice number	152903 Page	2
12/22/2021	EDW	238	Telephone conversation and e-mail with Scott Kiplinger regarding motion to stay (.1); e-mails with C. Avellone regarding conversation with Mr. Kiplinger and matters related to remand and recovery of attorney fees (.3).	0.40	130.00
12/22/2021					
12/23/2021	EDW	238	E-mails with C. Avellone regarding motion to remand and for an award of fees, and email to Scott Kiplinger regarding same.	0.50	162.50
12/27/2021	EDW	238	E-mails with Scott Kiplinger and C. Avellone regarding resolve costs and fees for improper removal (.1); revise and finalize Plaintiff's Unopposed Motion to Stay Deadline to Respond to Defendant's Motion to Dismiss and Request for Judicial Notice (.9); prepare proposed order regarding motion to stay (.1); conference with E. Krukowski re: motion to stay (.1).	1.20	390.00
12/27/2021	ECK	255	Conference with E. Wade regarding motion to stay strategy; review Plaintiff's Motion to Stay.	0.10	25.00
			Total professional services:		
For expense	es <u>ad</u> vai	nced or	incurred:		
11/17/2021					
12/31/2021	ER	Lexis No	exis Electronic Research		100.00
			Total expenses advanced:		
			Total billed this invoice:		
Account Su	mmary	:			
		Unpa	aid balance forward as of invoice date:	\$0.00	
			Total billed this invoice:		
			Please pay this amount:		

Summary of Work Performed between January 1, 2022 and January 20, 2022

<u>Date</u>	<u>Timekeeper</u>	Description	<u>Time</u>	<u>Amount</u>
1/3/22	EDW	E-mails with Scott Kiplinger and Chris Avellone re. possible stipulation on remand and amount of Plaintiff's attorney fees and costs incurred as a result of improper removal.	.10	\$32.50
1/11/22	EDW	E-mails with Chris Avellone re. impending deadline for Defendant to respond to motion to remand.	.10	\$32.50
1/13/22	EDW	Review Court's Order granting Motion to Remand (.1); e-mails with Chris Avellone re. order and application for fees (.3).	.40	\$130.00
1/19/22	EDW	E-mails with Scott Kiplinger re. possible stipulation on amount of fees and costs (.2); e-mails with Chris Avellone re. possible stipulation (.1).	.30	\$97.50
1/20/22	EDW	E-mails with Chris Avellone re. offering to reduce fees and costs sought (.3); e-mails with Scott Kiplinger transmitting Plaintiff's reduced offer, and review Defendant's rejection of same (.1); prepare Application for Attorney Fees and Costs (.8); prepare supporting affidavit and documentation for Application (1.0); e-mails with C. Avellone re. Application (.1).	2.30	\$747.50
TOTAL			3.20	\$1,040.00